

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

DONALD E. PHILLIPS, )  
                          )  
Plaintiff            )  
                          )  
vs.                    )                           Case No. 2:09-cv-01443-JHH-HGD  
                          )  
                          )  
RICHARD ALLEN, et al., )  
                          )  
Defendants            )

**MEMORANDUM OF OPINION**

The magistrate judge filed a Report and Recommendation on April 8, 2010, recommending that the plaintiff's supervisory claims against defendants Allen, Hetzel, McCord, Arthur, and Baldwin be dismissed. It was further recommended that the plaintiff's Eighth Amendment excessive force claims against defendants Hawkins and Willis be referred to the magistrate judge for further proceedings. The plaintiff filed objections to the Report and Recommendation on May 10, 2010. (Doc. # 11).

In his objections, the plaintiff restates his claims that Allen, Hetzel, McCord, Arthur, and Baldwin are liable for the actions of Hawkins and Willis based on their positions as supervisors. The plaintiff has not alleged that these supervisors personally participated in any constitutional violations. Neither has the plaintiff

alleged the existence of a causal connection linking the supervisors' actions with Hawkins' and Willis' alleged violations. While the plaintiff contends that the prison officials "had knowledge of those officers['] constant insubornations (sic)," (Doc. #11 at 3) he fails to state any facts to support his claim. Vague, general or conclusory allegations are insufficient to merit relief under § 1983. *See Fullman v. Graddick*, 739 F.2d 553, 556-57 (11th Cir. 1984).

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the magistrate judge's recommendation is ACCEPTED. It is therefore ORDERED, ADJUDGED, and DECREED that all of the plaintiff's claims in this action, except his Eighth Amendment excessive force claims against defendants Hawkins and Willis, are DISMISSED pursuant to 28 U.S.C. § 1915A(b). It is further ORDERED that the plaintiff's Eighth Amendment excessive force claims against defendants Hawkins and Willis are REFERRED to the magistrate judge for further proceedings.

**DONE** this the 8th day of June, 2010.



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James H. Hancock

SENIOR UNITED STATES DISTRICT JUDGE